

## DREAM ACT

Mr. SESSIONS. Mr. President, I would like to share a few thoughts on the vote we cast on the DREAM Act. I really believe it was an important issue. It went beyond what some might think in that it dealt with some issues that are important to America, what we are thinking of as a country, and why we need to get the immigration issue correct. We can do it. It is something that is important. But once again, we sort of fell into the trap of focusing on helping to meet what the needs or desires are of people who are here illegally and not focusing on restoring the rule of law to immigration enforcement. So I think the Senate leadership's commitment to moving this legislation would have been a step in exactly the wrong direction. I believe the strong bipartisan vote against it indicates that there remains grave concern about this kind of amnesty proposal, particularly in light of the fact that we have not achieved any significant progress toward enforcement of our laws at the border, at the workplace, and in other areas.

I would just say as a person who has worked on this with some determination in the last several years that I have absolutely come to believe that if we do a series of things, we can create a lawful system of immigration in America. That is important because I think a lot of people think it is just not possible, that nothing we do will work. But that is not true. If we have a good legal system, if we have a good enforcement system at the border, if we make it difficult for people to work, eliminate the job magnet and create a work card, an identification card that is biometric and can't be easily counterfeited, we could see a dramatic return to lawfulness in immigration. That would be so good for America. It would so reduce the frustration and anger that is out there.

As I have said before, I don't think people are angry at immigrants, although some of the people who support these legislative acts that I think have been bad have tried to suggest that the anger which is out there among the American people is directed at immigrants. It is really directed at us. The American people have been requesting for 30, 40 years that we create a lawful system of immigration, and Congress has continued to stiff them—just refused to do it—and talks about it and promises and passes this bill or that bill or this provision or that provision, all the time suggesting that these are going to make a difference. Then, either we don't fund them adequately, so they never really take place, or the bill is a discrete piece of legislation that never has much impact on the overall situation we have confronted and does not do any significant—does not take us in any significant way toward a lawful system.

I hope this strong vote sends a message that this Senate, prior to creating a lawful system of immigration both at

our border and in the workplace, is not prepared to undertake the huge AgJOBS legislation. Senator REID has said he would bring that up again, but maybe this vote will encourage him not to do so.

The DREAM Act, which we just rejected, would have given, in short order, every benefit of citizenship—including citizenship—to 1.3 million persons. The AgJOBS bill that we keep hearing will be brought up will be an additional 3.3 million. So that is a third of the amount of people who would be provided the benefits of amnesty, a third of the number that was in the bill this summer that the American people rejected. The DREAM Act, as I said, would have provided amnesty for over 1.3 million, according to the Migration Policy Institute—not a conservative group. It would give current illegal aliens a financial bonus. They would be eligible for instate tuition, subsidized student loans, and Federal work study.

So if you have a problem with illegality—and I just want to share this with my colleagues; these are not insignificant points I am making—if you are going to create a lawful system of immigration into America, you are going to have to have some sanctions and punishments and prosecutions.

More than that, you absolutely can't give benefits to people who have violated our laws, who have gotten past our borders, and then we start rewarding them with benefits. So a number of years ago, in 1996, we said that if you are a person coming to our country illegally and you were illegally here, you at least shouldn't get instate tuition when you go to college. You ought to not be in a better position than a lawful American who might live a few miles across the State line. That was the deciding vote here. This would have reversed that—not only that; as I said, it would give them subsidized student loans, Stafford loans and other loans, as well as work study benefits. So, as they say, if you are in a hole, the first thing you do is stop digging. If you would like to end and reduce illegal immigration, stop rewarding it, please. That is what we are talking about.

So this bill I think went too far in a number of ways. I was actually pleased that President Bush's administration analyzed it and strongly opposed it and sent us a letter to that effect. So even President Bush, who strongly supports immigration into America and has supported a lot of the legislation here, opposed this bill. I think they were right in doing so.

I would note that under the DREAM Act, individuals, once they have been here 5 years and did 2 years of college without a degree being required—they got 2 years of college—they would then be able to bring their family members.

Some say: Well, they were brought here as a young child and through no fault of their own, and so they ought to be given the benefits of this amnesty. Well, that is not a uniform picture. It

does tug at our heart strings, and we do care about that. It is something we are going to have to deal with sooner or later: how we are going to deal with people who came here a long time ago?

But many people came here at age 15. You only have to be here prior to age 15. Maybe they came and lived with their brothers, sisters, cousins, aunts and uncles, and then they are immediately put on a path to citizenship. They are then able, after that, to become a citizen and to bring their parents or maybe the parents are here. They would also be able to bring in their wife and children, plus bringing brothers and sisters. That is the way the system would work. I think it is not a good process. I am pleased the Senate agreed with that.

I will conclude by making some points about policy and the question of the rule of law in our country. If we are serious about securing our borders, the first thing you do is stop providing benefits to those who come illegally. That is the first and most obvious step we can take. The principle is clear: If there are benefits to breaking the law, people will continue to do it. When you subsidize something, you get more of it. If you subsidize people who are here illegally by giving them student loans and in-State tuition, you will encourage that. You will also send a message that is even more important—that if you can get into America illegally and hold on a few years, you will be rewarded in advance of those who are here legally and are waiting in line.

This is an untenable position for our Nation. A nation that wants itself to be considered seriously, a nation that respects its laws and cares about that must follow through. We cannot abandon our commitment to the rule of law. You have to be consistent. That is what sends the message that builds respect for the law, and not just in the United States, I submit; it would be sending that message and broadcasting that message to the world. If we don't do it, the message we are broadcasting to the world is that if you can bring, send or assist a teenager to come into the United States, the United States will educate them all the way through college—and we do that. We don't require you to be a legal American citizen to go to schools in Alabama or anyplace in America, nor to college. But you are not supposed to get in-State tuition if you are here illegally.

Not only would you be able to carry through with that, but you would be able to, in 5 years, get a permanent resident status, a citizenship, and then you would be able to bring your family in. That is not the right direction, I submit, we should be going in. We don't want to send the wrong message.

The question sort of comes down to, do we have the will to enforce our immigration law? Do we have the will to do it? Will we stand on principle and law and sound public policy? Or will we allow emotion and politics to further erode an already weak immigration

system and further erode the perception that we are serious about creating a lawful system. Passing the DREAM Act today would, in the wake of failed comprehensive reform that we had this summer—if we had done that before we have been able to secure our borders and before we have been able to create a lawful system of immigration, that is not the right way for us to go. It is not. It cannot be gotten around. It sends the wrong message. It will say we have immigration laws but no intent to enforce them. It will send a message that if you break our laws, not only will that be forgiven, but you will be put at the head of the line and you will be financially rewarded for it.

That is not what we have to do to create a lawful system. The rule of law in this country is important. I was a Federal prosecutor for almost 15 years. I was attorney general of Alabama. I have worked with law enforcement all my professional life. I remember distinctly talking with law enforcement officers about the sale of marijuana in neighborhoods. Sometimes local police would say: You know, these are small amounts of marijuana and we cannot focus on the small cases. We only focus on the dealers. That was a mindset a lot of police departments had. They discouraged that. I would tell them that, in effect, if you take that policy, you have legalized the sale of marijuana in that neighborhood. Not only that, you have created an unlawful system in that neighborhood and you will have created violence and instability that adversely impacts the good and decent people who live in that neighborhood. You cannot do that.

You see, there are moral and legal and practical consequences of having a legal system that is not enforced. It adds up. That is what we have done in immigration. We have looked the other way and denied it is happening, and we have let people with special interests dominate the debate and we have talked about making the system lawful, but we have never done it. That is why the American people are not happy with us. We have not been trustworthy. We have not been reliable. We have not. If we would get this system right, we could do a lot better job about making it work in an effective way. The American people want us to do that.

I have to tell you, why do people want to come to America? They think they can make a better life here. If there has been crime and instability and theft and abuse and unfairness in the system that was in the place they came from, they feel like if they come to America and they have a problem here, they can go to court and they will be protected and they can make money and build assets and people will not come and steal it from them. They can leave something for their children and they can work hard and send their children to college and they will be able to do even better. That is why they want to come here. It is all found-

ed on the rule of law. The reason we are a unique nation—and you know that great hymn that says our liberty is in law—is that our legal system has made us great, prosperous, and free.

I don't think it is a good policy that we allow millions of people to come to our country in violation of our law. I think that sends a wrong message to them and undermines the very legal system that makes the country so attractive. I remember in the debate, Senator GRASSLEY, who is a direct speaker, a farmer from Iowa and now the ranking member on the Finance Committee, made a speech. He said he was here in 1986 as a Member of this body. He remembered the debate. During those debates, it was said that in 1986 this would be amnesty, but it is the last time, we would never do it again. He said: Let me ask you why nobody this time, in this debate, a few months ago this summer, is saying we will not have anymore amnesty again. Why are people not saying that? He said the answer is obvious. If we had amnesty in 1986, and 20 years later we have it again, nobody with a straight face can stand up before the world or the American people and say that we would not have amnesty after this one, that this is going to be the last one. How silly is that? We said that a few years ago.

So this is not a small matter. What principle can you utilize to say to a young person, or any other person who came into our country illegally today, 10, 15 years from now—what principle can you articulate as to why they should not be given amnesty when we gave it to people today? You see, this is a matter of seriousness. It cannot be ignored. I feel strongly about that. I want my colleagues to know our country needs to create a lawful system of immigration. Once that is accomplished and the American people feel comfortable about that, we can think about a way, I believe, that would be effective and compassionate for those who are here today and that is rational and that we can defend. I don't believe we can defend that today, when our system is not working.

I see my time has expired. I will wrap up and say I think we did the right thing in this vote today. Hopefully, we will continue to work toward a lawful system of immigration and, if we do that, a lot of things will become possible in the future that are not possible and appropriate and should not be done today.

I ask unanimous consent that a Statement of Administration Policy that opposes the DREAM Act, which we rejected a short while ago, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY—S. 2205, DEVELOPMENT—RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2007

The administration continues to believe that the Nation's broken immi-

gration system requires comprehensive reform. This reform should include strong border and interior enforcement, a temporary worker program, a program to bring the millions of undocumented aliens out of the shadows without amnesty and without animosity, and assistance that helps newcomers assimilate into American society. Unless it provides additional authorities in all of these areas, Congress will do little more than perpetuate the unfortunate status quo.

The administration is sympathetic to the position of young people who were brought here illegally as children and have come to know the United States as home. Any resolution of their status, however, must be careful not to provide incentives for recurrence of the illegal conduct that has brought the Nation to this point. By creating a special path to citizenship that is unavailable to other prospective immigrants—including young people whose parents respected the Nation's immigration laws—S. 2205 falls short. The administration therefore opposes the bill.

The primary change wrought by S. 2205 would be to establish a preferential path to citizenship for a special class of illegal aliens. Specifically, S. 2205 awards permanent status to any illegal alien who is under 30, has been in the United States for five years after arriving as a child, and has completed two years of college or in the uniformed services. This path to citizenship is unavailable to any other alien, no matter how much promise he or she may have, no matter how much he or she may contribute to American society. Moreover, the path that S. 2205 creates would allow illegal aliens to obtain a green card before many individuals who are currently lawfully waiting in line.

Sponsors of S. 2205 argue that the bill is necessary in order to give children who are illegal aliens incentives to obtain an education. But it is difficult to reconcile that professed aim with the bill's retroactivity provisions: even those who attended college years earlier will be eligible for a green card.

The legal status that the bill grants its beneficiaries means that they can petition almost instantly to bring family members into the country. It also places them on the fast track to citizenship because they can immediately begin accruing the residence time in the United States that is necessary for naturalization. Finally, this legal status entitles the bill's beneficiaries to certain welfare benefits within 5 years.

The bill is also indiscriminate in whom it would make eligible for the program. For example, S. 2205 includes loopholes that would authorize permanent status for certain aliens convicted of multiple misdemeanors and even felonies.

The open-ended nature of S. 2205 is objectionable and will inevitably lead to large-scale document fraud. The path to citizenship remains open for

decades, thus creating a strong temptation for future illegal aliens to purchase fraudulent documents on a burgeoning black market. Moreover, the bill's confidentiality provisions are drawn straight from the 1986 amnesty law and will provide the same haven for fraud and criminality as that law did.

Immigration is one of the top concerns of the American people—and of this administration—but it needs to be addressed in a comprehensive and balanced way that avoids creating incentives for problems in the future.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that I be allowed to speak for 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FISCAL HEALTH OF THE NATION

Mr. VOINOVICH. Mr. President, I rise today to comment on the sad state of the appropriations process, as well as our long-term fiscal health. The new fiscal year began 23 days ago, and we are debating appropriations bills that haven't even passed the Senate yet, as Government agencies operate on temporary, stopgap funding. When we Republicans were in the majority, we consistently failed to enact all of the appropriations bills before the end of the fiscal year. We enacted short-term continuing resolutions, or CRs, to keep agencies funded while we wrapped several of those bills into an end-of-the-year omnibus bill.

After the Democrats won control of the Senate, I sincerely hoped they would fulfill their promises to manage the budget better. But while the party in power has changed, the results have stayed the same. In fact, the results, so far, have been even worse. Fiscal year 2008 has already started, and we have enacted exactly zero appropriation bills.

Government-by-CR has consequences. Agencies cannot plan for the future. They cannot make hiring decisions. They cannot sign contracts. As a result, we get more waste and inefficiency from Government. We get lower quality services provided to the people. At the end of the day, we get higher spending and less accountability and oversight of the taxpayers' money.

On September 23, the New York Times reported that our failures could have a devastating effect on cancer research because scientists are waiting around to hear if they will receive grants for their innovative research ideas. The same article quoted a transportation industry representative as saying our failure could have major implications for anyone who rides in cars, trucks, trains, buses, and subways. If you want more examples of how Congress's failure to do its job on time affects ordinary Americans, I invite you to visit my Web site, where I provide several additional examples.

That is why a bipartisan group of Senators agree that we need to adopt biennial budgeting by the Federal Government, such as I had as Governor of Ohio, so Congress can get its work done on time while also conducting the oversight necessary to ensure that programs and agencies are functioning effectively.

Senator DOMENICI has been a leader on biennial budgeting for years. We should adopt it during this Congress and name it the Pete Domenici Biennial Budgeting Act as part of Pete's legacy to this country.

Putting aside our short-term failures and focusing on our long-term problems, in January I introduced the Securing America's Future Economy, or SAFE Commission Act, legislation that would create a bipartisan commission to look at our Nation's tax and entitlement systems and recommend reforms to put us back on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations.

I commend two of my colleagues, the Budget Committee chairman from North Dakota and the ranking member from New Hampshire, for recently introducing a bipartisan bill that would create a tax and entitlement reform task force very similar to my SAFE commission. In fact, I saw them on CNBC recently talking about it. The only major difference is that Senators CONRAD and GREGG require every congressional appointee to be a sitting Member of Congress, whereas the SAFE commission would include outside experts. I have signed on as a co-sponsor of the Conrad-Gregg proposal, and I am pleased to learn they intend to hold a hearing on the bill in the very near future. I look forward to working with them to get the bill passed.

I also commend Democratic Congressman Jim Cooper of Tennessee and Republican Congressman FRANK Wolf of Virginia who introduced a bipartisan SAFE commission bill in the House of Representatives. I have been working with Congressman WOLF for more than a year on this proposal, and I welcome Congressman COOPER's decision to join us.

This bipartisan, bicameral group has support from corporate executives, religious leaders, and think tanks across the political spectrum, from the Heritage Foundation to the Brookings Institution, and former Members from both parties, such as former Senators Warren Rudman and Bob Kerrey, and former Congressmen Bill Frenzel and Leon Panetta.

Our entitlement programs are creaking under the strain of an aging society and runaway health care costs. Our Tax Code is imploding from the hundreds of economic and social policies that Congress pursues through tax incentives and from the dozens of temporary tax provisions that wreak havoc on families and businesses trying to plan their affairs.

Neither our major entitlement programs nor our Tax Code are sustain-

able in the current form. The appropriations bills that we are debating this week are shrinking as a share of the budget as entitlements crowd out domestic discretionary spending. We must come together and develop a bipartisan consensus to fix these systems so our children and grandchildren can enjoy prosperity and increasing standards of living.

I want to share with my colleagues some extraordinary numbers that reveal our Nation's looming fiscal crisis. I speak out of concern not only for our generation but also for our children and our grandchildren. They are going to bear the burden of reckless fiscal policies.

Sir Edmund Burke, the father of conservative thought, said:

Society is . . . a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.

Unless we change course, we will break that partnership with those who are yet to be born. This grave situation can be addressed only through hard bipartisan work, and we must begin our work now, for every day we wait, the solutions become more painful.

In the simplest of terms, the Federal Government continues to spend more than it brings in. Running up the credit card for today's needs and leaving the bill for future generations should not be the policy of this country, this Congress, or this administration. It represents a recklessness that threatens our economic security, our global competitiveness, and our future quality of life. The Federal Government has become the biggest violator of credit card abuse in the world.

Comptroller David Walker has said:

The greatest threat to our future is our fiscal irresponsibility.

He added:

America suffers from a serious case of myopia, or nearsightedness, both in the public sector and the private sector. We need to start focusing more on the future. We need to start recognizing the reality that we're on an imprudent and unsustainable fiscal path, and we need to get started now.

Everyone in this great body should heed Comptroller Walker's warning.

Our commitments to the war on terror, to securing our borders, to educating our workforce, and to investing in our Nation's infrastructure demand tremendous resources and require long-term financial commitments. At the same time, we cannot ignore the demographic tide that will soon overwhelm our resources. We need a system for raising the revenues necessary to fund these priorities that does as little damage to the economy as possible. In short, the need for tax reform and entitlement reform has never been greater. A historical perspective helps to highlight the gravity of our current situation.

The fiscal year 2007 budget deficit was \$163 billion, but that figure hides the true degree to which our fiscal situation has deteriorated, mainly because it uses every dime of the Social